

In re: Application of Roy Curtiss and Steven A. Tinge

Serial No. 08743,789

Filed: 1996 Jun 7, 1995

For: Recombinant Bacterial Vaccine System With Environmentally Limited Viability

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☒ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☐ No additional fee is required.

The fee has been calculated as shown below:

|  | (Col. 1)                                  |       | (Col. 2)                              | (Col. 3)         |
|--|---|-------|---------------------------------------|------------------|
|  | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT |       | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA |
| TOTAL  | * 38                                      | MINUS | ** 32                                 | = 6              |
| INDEP  | * 3                                       | MINUS | *** 3                                 | = 0              |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |   |       |                                       |                  |

| SMALL ENTITY        |               |
|---------------------|---------------|
| RATE                | ADDIT.<br>FEE |
| X 11=               | \$66          |
| x 40=               | \$0           |
| +130                | \$0           |
| TOTAL<br>ADDIT. FEE | \$0           |

| OTHER THAN A<br>SMALL ENTITY |               |
|------------------------------|---------------|
| RATE                         | ADDIT.<br>FEE |
| x 22=                        | \$            |
| x 80=                        | \$            |
| + 260                        | \$            |
| TOTAL                        | \$            |

TOTAL  
ADDIT. FEE \$0 or

\* If the entry in Col.1 is less than the entry in Col.2, write "0" in Col.3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col.1 of a prior amendment or the number of claims originally filed.

- ☐ Please charge my Deposit Account No. 01-2507 in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is attached.
- ☒ A check in the amount of \$66.00 is attached.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 01-2507. A duplicate copy of this sheet is attached.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Patrea L. Pabst, Reg. No. 31,284

61/203 GP JH  
1802-12-1796



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Roy Curtiss and Steven A. Tinge

Serial No.: 08/473,789

Group Art Unit: 1802

Filed: June 7, 1995

Examiner: P. Murthy

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For: Recombinant Bacterial Vaccine System With Environmentally Limited Viability

Assistant Commissioner for Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT AND  
RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

Responsive to the Office Action mailed October 18, 1996, please amend the application as follows.

**In the Claims**

Please amend the claims as follows.

A<sup>1</sup>  
5. (Amended) The cell of claim 4 wherein the lethal gene is carried on an extrachromosomal vector and expression of the lethal gene is regulated by an expression product of a regulatory gene [on a chromosome of the cell].

A<sup>2</sup>  
30. (Amended) A method of inducing immunoprotection in a warm-blooded animal comprising

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